

REMARKS

Status of the Claims

Claims 1-14 were presented for continued examination under 37 C.F.R. § 1.114 on April 4, 2005. The Examiner subsequently rejected claims 1-16 "under 35 U.S.C. § 102(b) as being anticipated by Logan et al. ('551)." *Office Action*, 3. Claims 1, 2, 6, and 7 are amended herein. Claims 3-5 and 8-14 have been cancelled without prejudice. New claims 15-30 are presented through the present amendment. No new matter is added through these claims. The requisite fee for six new dependent claims is submitted herewith.

Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claim 1 in light of the aforementioned Logan et al. reference. The Applicant, in light of at least the presently amended claims, respectfully traverses said rejection in that Logan fails to teach "each and every element as set forth in the claim . . . either expressly or inherently." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

For example, claim 1 presently recites:

A method for time-shifted viewing of audio/video programs comprising:
simultaneously receiving one or more video/audio program from one or more sources, wherein the one or more audio/video programs are associated with data about the programs, the data about the programs provided over a network connection;
storing each of the one or more audio/video programs as data in one or more cyclic buffers, whereupon being filled the one or more cyclic buffers begin replacing the oldest of the data with the newest of the data;
simultaneously providing playback control of the data independently from storing the one or more audio/video programs, wherein time-shifted viewing is delayed viewing of the one or more audio/video programs currently being received from the one or more sources, the viewing of which may be initiated and controlled simultaneously with the storing of the one or more audio/video programs.

Logan, at the least, fails to disclose “one or more audio/video programs [being] associated with data about the programs, the data about the programs being provided over a network connection” as is presently recited in claim 1. For example, the application notes on page five that certain embodiments of the present invention, via a network, “may provide additional data about the offered program to aid the users in selecting programs, such as plot summaries, ratings, casts and so forth.” *Specification*, p. 5, l. 50-52. These particular types of data about the programs are recited in newly added claims 20-22, above. No particular limitation is imposed or intended through this amendment with regard to the data about the programs being received simultaneously with the audio/video program data; as part of a separate albeit contemporaneous data transmission; or being received outside the audio/video program transmission all together (*i.e.*, two non-contemporaneous transmissions).

There is no disclosure of such informative data in Logan much less a network connection over which such data may be received. For at least this reason, the claim 1 is allowable over the Logan reference. Claim 6 recites a system for time-shifted viewing, that system including the aforementioned data about the programs. As such, claim 6 is allowable for at least the same reason as claim 1. Claims 28, 29, and 30 recite similar types of data about programs like those found in claim 20-22.

As independent claims 1 and 6 are allowable over the cited art of record, any claim depending there from is also allowable. See 35 U.S.C. § 112, ¶ 4 (“[a] claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers”). For at least this reason, dependent claims 2 and 7 are also allowable. New claims 15-19 and 23-27 also depend from now allowable claims 1 and 6, respectively, and are, therefore, also allowable for at least the same reasons as claim 1 and 6.

CONCLUSION

The Applicant has overcome the Examiner's 35 U.S.C. § 102(b) rejection in that Logan fails to disclose, at the least, 'one or more audio/video programs [that] are associated with data about the programs, the data about the programs provided over a network connection.' As Logan fails to disclose each and every limitation of the Applicant's presently claimed invention, the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned with any questions concerning the present amendment or the application in general.

Respectfully submitted,
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